THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.24933 of 2005

Dated: 22.11.2005

Between:

Chennuri Shyam Rao, S/o. Sri Lachaiah,
R/o. 5-11-1145, KVC Road, Hanmannagar,
Hanumakonda.

..... PETITIONER

AND

The Deputy Transport Commissioner,

Warangal, Warangal District and another.

.....RESPONDENTS

ORDER:

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The vehicle of the petitioner bearing No.AP 24 U 9892 was seized on 10.11.2005, on the grounds that the vehicle was carrying overload of sand and that the petitioner has not paid the quarterly tax. The petitioner challenges the seizure.

Heard, Sri A.Sanjeev kumar, the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 10.11.2005, issued by the 2nd respondent, discloses that the petitioner did not produce proof of payment of quarterly tax and that the vehicle was carrying overload of sand. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that the vehicle of the petitioner shall be released to him on payment of a sum of Rs.10,930/- towards the penalty for overloading and a further sum of Rs.5,500/- due towards the quarterly tax.

The release of the vehicle shall be subject to the outcome of the proceedings that may be initiated against the petitioner in this regard. There shall be no order as to costs.

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22.11.2005

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